

Application No. 10/606,567
Office Action Dated June 24, 2005
Response to Office Action Dated July 28, 2005

REMARKS

Claims 1-10 are pending in the present application and remain for consideration. Claim 3 is amended herein to correct minor matters of form.

Claims 1 and 5-8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Eguchi et al. (JP 2002-318145). The rejection is traversed and reconsideration is respectfully requested.

Applicants respectfully submit that Eguchi et al. is not prior art under §§ 102(a), 102(b) or 102(e). Eguchi et al. was filed in Japan on April 20, 2001 and published on October 31, 2002. The present application was filed in the U.S. on June 26, 2003, claiming priority from Danish Application PA 2002 01018, filed on June 30, 2002.

Because the publication date of Eguchi et al. (October 31, 2002) is after the priority date of the present application (June 30, 2002), Eguchi is not prior art under §§ 102(a), 102(b) or 102(e) and thus, it is improper to cite Eguchi et al. as prior art under § 103(a). Accordingly, the § 103(a) rejection is improper and should be withdrawn.

Claims 2-4, 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. As was demonstrated above, however, the rejection of base claim 1 is improper. Therefore, Applicants submit that claims 2-4, 9 and 10 do not need to be amended in view of Eguchi et al. in order to be placed in condition for allowance.

In view of the foregoing, it is respectfully submitted that claims 1-10 are in condition for allowance. All issues raised by the Examiner having been addressed, an early action to that effect is earnestly solicited.

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No fees or deficiencies in fees are believed to be owed. However, authorization is hereby given to charge our Deposit Account No. 13-0235 in the event any such fees are owed.

Respectfully submitted,

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